
SUBJECT: FACULTY CORRECTIVE ACTION POLICY

1.0 PURPOSE

This Policy details processes for Corrective Action of Tenured, Tenure-Track, and Professional-Track Faculty. This Policy strives to be fair to the Faculty Member and the College by setting forth reasonable expectations and procedures regarding the continuing employment relationship and Corrective Action when necessary. This Policy is intended to comply with Board of Higher Education Policy R841 and to address immediate performance concerns outside the scope of the Snow College Advancement and Tenure Policy (policy 410).

2.0 DEFINITIONS

- 2.1. Administration Employee: A non-executive employee who oversees a large or significant function. An Administrative Employee usually reports directly to an Executive Employee. Administrative Employees are functionally a “Regular Staff Member” and have the same benefits, privileges, responsibilities and grievance rights as a Regular Staff Member unless otherwise specified in the employee’s Memorandum of Understanding that their position is at-will.
- 2.2. Concern: Faculty Member performance or conduct that is considered below the College’s expectations.
- 2.3. Corrective Action: Employment action taken by a Supervisor with the goal of improving unacceptable performance or conduct. Corrective Action may include Sanctions up to and including Dismissal.
- 2.4. Delivery or Delivered: Personal delivery to the individual of a written statement regarding the Corrective Action process. If the individual cannot be personally located at the usual place of College employment during assigned working hours, a Notice may be sent by regular mail to the Faculty Member's last known address or by email to the Faculty Member’s College email address or other known email address.
- 2.5. Disciplinary Probation: A Level-Three Corrective Action where a Faculty Member is placed on a probationary period for a set period of time with written conditions governing his or her employment. A violation of any of the conditions may result in immediate Dismissal.
- 2.6. Discipline: Employment-related action (including imposition of Sanctions) undertaken to correct or modify unacceptable job performance or behavior to acceptable standards. Discipline consists of Level-Two and Level-Three Corrective Actions.

- 2.7. Dismissal or Dismissed: A Disciplinary action where a Faculty Member's employment with the College is ended.
- 2.8. EXECUTIVE EMPLOYEE – Employees who report to the directly to the President, represent the highest level of decision making for their area of responsibility, and serve on the President's top council (Cabinet). Executive Employees are at-will.
- 2.9. Faculty or Faculty Member: A person who is a member of the College's full-time Faculty in a Tenured, Tenure-Track, or Professional-Track Position. A person may be a Faculty member and, in a Staff, Administrative, or Executive position (in which case this Policy applies to employment in the Faculty position only).
- 2.10. Final Decision Letter: A letter issued to a Faculty Member notifying him or her of the College's decision regarding a Discipline matter.
- 2.11. Final Written Warning: A letter issued to a Faculty Member which addresses a Concern that is reoccurring or significantly disruptive in nature and warns that failure to adequately address the Concern will result in Corrective Action or Dismissal.
- 2.12. Human Resources or HR. The office in the College charged with the administration and record maintenance of personnel matters or a proxy that may be designated by the President.
- 2.13. Immediate Supervisor: Typically, the Department Chair. If the faculty member is the chair, the division dean is the immediate supervisor. If the Faculty member is the dean, the CAO, or Academic Affairs designee, is the immediate supervisor.
- 2.14. Ineligible for Re-employment Designation: Employment status designated by Human Resources for employees who have engaged in behavior that is egregious in nature. This status bars the employee from future employment at the college.
- 2.15. Job Abandonment: Termination of employment due to the failure of a Faculty Member to show for work for five consecutive teaching days during a semester in which duties are assigned (teaching, etc.) or a similar period and failing to appropriately and reasonably notify his or her Immediate Supervisor.
- 2.16. Level-One Corrective Action: Performance Improvement Plan. Performance improvement plans primarily address performance-related concerns. Level-One Corrective Action is usually administered by the Immediate Supervisor and may include consultation with the HR Director and other Administrative and/or Executive leaders as appropriate.

- 2.17. Level-Two Corrective Action: Action that addresses Faculty Member Concerns that are recurring, disruptive and/or significant. Level-Two Corrective Action may be taken without prior warning depending on the nature and severity of the Concerns. Level-Two Corrective Action options include: Written Warning Letter and Final Written Warning Letter. A Final Written Warning Letter may be issued without first issuing a Written Warning Letter.
- 2.18. Level-Three Corrective Action: Action that addresses Concerns that are severe and/or pervasive and that have had or may have a significant negative impact on the College. Concerns may be considered severe due to a lack of progress by the Faculty Member in meeting expectations despite previous attempts of Corrective Action or due to a higher level of impact or potential impact created by the Faculty Member Concern. Level-Three Corrective Action may be taken without prior warning, depending on the nature and severity of the Concerns. Level-Three Corrective Action options include: Reduction in Rank, Reduction in Pay, Suspension without Pay, Disciplinary Probation, and Dismissal.
- 2.19. Notice: Notification to a Faculty Member of a matter related to the Corrective Action process. Notice is an explanation of the Concern and may include an explanation of proposed Sanctions. Notice may occur through a conversation in person, by phone, or electronically; by Delivery of a written statement including a Notice of Intent; or in another way calculated to apprise a Faculty Member of a Corrective Action matter. Verbal Notice should be followed with a written confirmation. [Note “Notice” as used in R481 is defined as “Delivery” in this Policy.]
- 2.20. Notice of Intent: A written statement setting forth a Concern or Concerns, circumstances surrounding the Concern, the impact on the College, and any previous attempts to address the Concern or similar Concerns. A Notice of Intent may include a proposed Sanction.
- 2.21. Paid Administrative Leave: Paid time equal to a Faculty Member’s regularly scheduled hours of work. Faculty Members on Paid Administrative Leave are subject to recall at any time and must remain available to return to work. Paid Administrative Leave is considered a non-punitive action with no loss of employment status.
- 2.22. Performance Improvement Plan: A constructive way to address Concerns and give a Faculty Member the opportunity to succeed. It may be used to address performance deficiencies or to ameliorate behavior-related concerns.

- 2.23. Pre-Corrective Action: Action that addresses minor Faculty Member Concerns in an attempt to correct the behavior before it becomes more problematic. Pre-Corrective Action includes but is not limited to the following options: training, coaching, verbal reprimands, and verbal warnings. Pre-Corrective Action should clearly outline where performance is lacking and offer training and support as needed. Pre-Corrective Action should be documented.
- 2.24. Progressive Discipline. Using increasing severe steps or measures when an employee fails to correct a problem.
- 2.25. Reduction in Pay: A decrease in salary or hourly wages (within FLSA regulations) which replaces the Faculty Member's current salary or hourly wage amount.
- 2.26. Reduction in Rank: Reducing the rank of a Faculty Member such as from Associate Professor to Assistant Professor.
- 2.27. Response or Respond: A communication from a Faculty Member regarding a Corrective Action matter that has been communicated to the Immediate Supervisor, HR Director, or administrator.
- 2.28. Sanctions: Disciplinary measures authorized to be imposed upon Faculty Members including a Written Warning, Reduction in Pay, Disciplinary Probation, Suspension without Pay, Reduction in Rank, or Dismissal from employment. Sanctions do not include verbal warnings, reprimands, or Performance-Improvement Plans.
- 2.29. Suspension without Pay: A temporary interruption of a Faculty Member's wages and work requirement—benefits are not typically interrupted.
- 2.30. Termination or Terminated: The end of a Faculty Member's employment at the College. Includes Dismissal, program discontinuance, reduction in force, and end of temporary employment.
- 2.31. Written Warning: A letter issued to a Faculty Member which addresses unacceptable performance and/or conduct.

3.0 POLICY

- 3.1. Snow College recognizes that productive and valued Faculty are essential to achieve the College's mission. It is the policy of Snow College to provide a fair and supportive environment for its Faculty by setting forth reasonable expectations and procedures regarding the continuing employment relationship. However, it is sometimes necessary in an employment relationship for the College to have Corrective Action procedures in place.

Corrective Action shall be Delivered by the College with the goal of correcting unacceptable Faculty performance or conduct. Corrective Action may include Sanctions up to and including Dismissal, when in the discretion of the College, such action is necessary.

- 3.2. This Policy shall comply with and be read together with USHE Policy R481, (Academic Freedom, Professional Responsibility, Tenure, Termination, and Post-Tenure Review).
- 3.3. This Policy applies to discipline of Tenured Faculty Members and discipline of Tenure Track and Professional Track Faculty Members during the course of their yearly contract. It does not apply to the non-reappointment of a Tenure Track faculty member or Professional Track Faculty Member and gives no rights in the event of a nonrenewal.

4.0 PROCEDURES

- 4.1. Faculty are entitled to the following Academic Freedoms:
 - 4.1.1. Academic Freedom in Teaching: Faculty members possess the right to full freedom in the classroom to discuss their subjects and pedagogy. They may present any controversial material relevant to their courses of instruction, but they are encouraged not to introduce into their teaching controversial matter which has no relation to the subject being taught.
 - 4.1.2. Academic Freedom in Research: A faculty member is entitled to full freedom in research and in the publication of the results. Research for pecuniary return should be conditional upon disclosure to and the consent of the officials of the institution.
 - 4.1.3. Academic Freedom in Public Life: A Faculty Member is a citizen, a member of a learned profession, and an officer of an educational institution. When the Faculty Member speaks or writes as a citizen, he or she is free from institutional censorship or discipline. However, the Faculty Member's special position in the community imposes special obligations. As a person of learning and an education officer, the faculty member should remember that the public may judge his or her profession and institution by his or her communications. Hence the faculty member should at all times strive to be accurate, should exercise appropriate restraint, should show respect for others, and should make every effort to indicate that he or she is not speaking for the institution.

- 4.2. When Faculty engage in behaviors or conduct not protected by and contrary to the College's mission, academic freedom, operations or policy, Corrective Action may be necessary. The following are examples of Concerns that may trigger Corrective Action:
- 4.2.1. Unsatisfactory Performance (Professional incompetence): Failure to satisfactorily perform job duties or meet job requirements. This may include lack of productivity, poor efficiency or poor quality of work. Unsatisfactory performance is defined by reference to College or any department or office expectations within the College, including any verbal or written expectations communicated by a Supervisor; College Policies and Procedures; and federal and state laws. Unsatisfactory Performance may occur through a Faculty Member's negligence, intentional acts, continued incompetence, or inability to meet job requirements or perform job duties
 - 4.2.2. Serious misconduct or unethical behavior and Serious violation of the Board of Higher Education or College rules and regulations. The following are examples:
 - 4.2.2.1. Unsatisfactory Conduct: Failure to properly conduct his or herself and may include disorderly conduct. It includes any conduct or behavior of a nature for which no reasonable person should expect to receive prior warning. It includes conduct or behavior off-duty or away from the College if that conduct impacts the College, violates College or department policy, or violates the law.
 - 4.2.2.2. Conflict of Interest: As defined by College policy or state law or regulations.
 - 4.2.2.3. Crime: Conviction of a Crime by a court of competent jurisdiction.
 - 4.2.2.4. Misuse of College property or funds: Damage or misuse of College property or funds.
 - 4.2.2.5. Dishonesty: Providing false, fraudulent, or inaccurate information in the course of being hired (such as on resumes, applications, payroll documents); while conducting College business, on College documents, or during College investigations, audits, or complaint processes; and making bad faith allegations of wrongdoing, including allegations that are knowingly false, capricious, maliciously motivated, or made with reckless disregard for facts.

- 4.2.2.6. Discrimination, Harassment or Retaliation: The unjust, harassing, or prejudicial treatment of people. It may also include retaliating against a person for reporting discrimination or harassment or participating in a process that seeks to correct or prevent discrimination or harassment.
- 4.2.2.7. Misappropriation: Unauthorized use or possession of College assets which results or could have resulted in financial loss to the College (for example, theft, embezzlement, fraud, conflict of interest, or failing to report known or suspected misappropriations).
- 4.2.2.8. Interference with Work: Unjustified interference with the work of others.
- 4.2.2.9. Confidentiality: Breaching confidentiality through unauthorized access, use, release or retention of confidential or proprietary information concerning the College and any affiliated entities, operations, or personnel (for example, information and/or records related to payroll, personnel, student, alumni, donors, patients, financial matters, business matters, research, or teaching), regardless of intent.
- 4.2.2.10. Alcohol and drugs: Use of alcohol or illegal drugs, or being under the influence thereof, while on campus or acting in an official college representative role.
- 4.2.2.11. Law: failure to follow federal law, state law, and College regulations, policies, and procedures including those prohibiting discrimination or harassment because of race, color, ethnic origin, religion, sex, age, disability, or other legally impermissible behavior or retaliation.
- 4.2.2.12. Violence: Acts of violence or the threat of violence.
- 4.2.2.13. Violation of student rights: Engaging in misconduct involving students such as discrimination, harassment, or Title IX violations, or enabling such misconduct by others including failing to report as required by law or College policy or rules
- 4.2.3. Inability or unwillingness to meet College expectations. The following are examples:
 - 4.2.3.1. Insubordination: Refusal to follow a reasonable written or verbal instruction from an immediate supervisor or other College employee with apparent authority or following only after complaining or resisting, including Department of Public

Safety officers in the discharge of their duties. It may also be a failure to cooperate with an apparently legitimate college investigation conducted by, among others, Human Resources, Title IX, Risk Management, Public Safety, or Internal Audit. (Faculty who believe they have been instructed to violate College policy or the law should contact Human Resources immediately.)

- 4.2.3.2. Poor Attendance: Unauthorized or unapproved absences; excessive absence; failure to follow departmental procedures regarding notification of or requests for leave; habitual tardiness; chronic absence; patterns indicating abuse of leave policy; falsification of timekeeping records; failure to return from approved leaves; job abandonment.
- 4.2.3.3. Safety: Failure to follow safe work practices, failure to report unsafe work practices, failure to immediately file accident reports, failure to immediately report safety hazards to a manager or Risk Management.
- 4.2.3.4. Electronic resources: Improper use of College computing and/or electronic resources, including violations of the College's Electronic Use Policy.
- 4.2.3.5. Other generally accepted standards: Violation of other generally accepted standards of conduct, where such violation creates substantial inefficiency and/or an unacceptable work atmosphere at the College.

- 4.3. To determine the appropriate level of Corrective Action, the College may consider the following:
 - 4.3.1. The severity of the Concern.
 - 4.3.2. The repeated nature of the Concern.
 - 4.3.3. Prior Discipline/Corrective Actions.
 - 4.3.4. Previous verbal warnings and performance discussions.
 - 4.3.5. The Faculty Member's past work record.
 - 4.3.6. The impact on College operations and/or reputation.
 - 4.3.7. The potential of the violations for causing damage to persons or property.
 - 4.3.8. Any other relevant information.

- 4.4. Immediate Supervisors generally initiate Corrective Action. However, action may be taken by others in the supervision chain such as a Dean, CAO, President or by other Administration officials including HR. If action is taken by someone other than an Immediate Supervisor, the Immediate Supervisor of the Faculty Member must be informed of the need for action and involved in the action when possible.
- 4.5. HR provides oversight of the Corrective Action process and may be consulted for Pre-Corrective Action to ensure that policy and procedures are followed and that actions are consistent and fair. The role of HR for Corrective Action is to act as a resource to Faculty Members, Supervisors, and administration. In an additional role, HR also facilitates communication regarding Corrective Action.
- 4.6. While progressive discipline is allowed, the College may not institute disciplinary proceedings against a Faculty Member more than once based on the same facts, circumstances, or events.

5. CORRECTIVE ACTION FOR FACULTY

- 5.1. These procedures must be used for Tenured, Tenure-Track, or Professional-Track Faculty if discipline or dismissal is sought at any time for Tenured Faculty or during a contract period for Tenure-Track or Professional-Track Faculty. These procedures do not apply in the event of a non-renewal of an appointment for Tenure-Track or Professional-Track Faculty.
 - 5.1.1. Applying Corrective Action to Tenure-Track and Professional-Track Faculty does not create an expectation of renewal of employment. It also does not create an expectation of Discipline instead of Termination and does not limit the ability of the College to decide to not renew a Tenure-Track or Professional-Track Faculty member for additional years of employment.
 - 5.1.2. Where a specific Corrective Action is determined to be appropriate but is not listed in this Policy or Procedure, HR will determine which level it fits within best and the procedures for that level will be followed as nearly as is practicable.
 - 5.1.3. While applying these procedures, the College may suspend a Faculty Member with pay at any point in the process, require that the Faculty Member not be on College property without specific permission, or

impose other reasonable conditions pending resolution of Corrective Action.

5.1.4. In circumstances as determined by HR in consultation with the CAO or President, a Faculty Member may be suspended without pay during the process of these and the Grievance Policy and Procedures.

5.1.5. These procedures, in conjunction with the Grievance Policy and Procedures, provide the minimum due process of R481.

5.2. Pre-Corrective Action Procedures:

5.2.1. It is incumbent on Supervisors to manage Faculty Members who report to them. They should convey clear expectations of performance, provide training, and manage performance issues in a timely manner. The expectation is that Supervisors will discuss performance Concerns and workplace-conduct Concerns with a Faculty Member and attempt to correct Concerns through means less than a Corrective Action when feasible. However, at an immediate supervisor's or the College's sole discretion, Corrective Action may be pursued at any time. Pre-Corrective Actions include discussions of expectations, training, coaching, verbal warnings, and verbal reprimands. Confirmation in writing may be done and should generally be noted in Performance Evaluations. Pre-Corrective Actions are not considered Discipline, but they should be documented. Deans and department chairs may consult with the CAO and/or HR to determine appropriate Pre-Corrective Action.

5.2.2. HR may be consulted as necessary in Pre-Corrective Action and will provide assistance to Supervisors.

5.2.3. HR also serves as a resource for Faculty Members. Faculty Members may consult HR with questions and may seek HR assistance in facilitating communication with co-workers, Supervisors and others. In providing such assistance, HR primarily plays a consulting and training role.

5.3. Level-One Corrective Action: It may be determined that a Performance-Improvement Plan (PIP) is necessary to address Concerns. A PIP is generally not considered Discipline; instead, it is a constructive way to address Concerns and give a Faculty Member the opportunity to succeed.

5.3.1. Level-One Corrective Action Procedures:

- 5.3.1.1. A supervisor learns of a Concern.
 - 5.3.1.2. The Immediate Supervisor and HR discuss the Concern, determine whether a Performance-Improvement Plan may be appropriate to address the Concern, and if so HR provides the template for a Performance-Improvement Plan.
 - 5.3.1.3. A PIP is created to address the Concern and set forth in writing expectations for the Faculty Member.
 - 5.3.1.4. The PIP must be approved by Human Resources before it is issued.
 - 5.3.1.5. The Faculty Member is given Notice of and an opportunity to respond to the Concern that led to the PIP. This may be done by delivering a draft PIP to the faculty member for comment and possible revisions.
 - 5.3.1.6. The approved PIP is Delivered to the Faculty Member. The PIP is discussed, including how it will be implemented. The Faculty Member may give feedback. Generally, the next-level Supervisor should witness this meeting (dean, Provost, Associate Provost). The PIP may be modified at this point. The final PIP is then delivered and implemented.
 - 5.3.1.7. The Immediate Supervisor will include a timeline in the Performance Improvement Plan for coaching the Faculty Member and to assess and document progress.
 - 5.3.1.8. At the conclusion of the Performance-Improvement Plan, the Immediate Supervisor, in consultation with HR, will recommend Level-Two or Level-Three Corrective Action, which may include ending the PIP and allowing the Faculty Member to continue his or her normal duties; extending the term of the PIP; Dismissal.
- 5.4. Level-Two Corrective Action: Some Concerns require stronger action. These Concerns will invoke the Discipline process.
- 5.4.1. Level Two Corrective Action Procedures:
 - 5.4.1.1. A supervisor learns of a Concern that is significant and requires more than Pre-Corrective Action or a PIP.

- 5.4.1.2. The Immediate Supervisor shall contact HR to discuss the Concern. If the Concern is initiated by another person, the Immediate Supervisor is contacted and involved in the discussion with HR when possible. Generally, an investigation should be conducted to confirm that there is a valid Concern and to document it if possible. The Faculty Member who is the subject of the Concern should generally be contacted as part of the investigation. HR, in consultation with the Immediate Supervisor (and an Administration Employee if necessary), will determine who should investigate the Concern.
- 5.4.1.3. Upon validating the Concern, HR provides the Immediate Supervisor a template for a Notice of Intent (typically a Notice of Intent to Issue a Written Warning or Notice of Intent to Issue a Final Written Warning).
- 5.4.1.4. The Notice of Intent is created to address the Concern. The Notice of Intent must be approved by Human Resources before it is issued. HR should consider the potential severity of the Concern and whether a significant adverse employment action is possible. HR should also consider consulting legal counsel, Risk, or State Risk Management before approving a Notice.
- 5.4.1.5. The Faculty Member will be given Notice of the Concern by Delivery of the Notice of Intent and then be given an opportunity to Respond. After the Faculty Member has read the Notice of Intent, the opportunity should usually be a face-to-face conversation with the Immediate Supervisor or other Administration Employee. Depending on the Response, the Notice of Intent may be revised and then re-Delivered or the Notice of Intent may be withdrawn. If withdrawn, the Immediate Supervisor may issue a new Notice of Intent, impose a lesser Corrective Action, or choose to take no further action.
- 5.4.1.6. If a Level-Two Corrective Action Notice of Intent is not withdrawn, the Faculty Member will be given an

opportunity to further respond in writing within five calendar days.

- 5.4.1.7. The Immediate Supervisor will discuss the Response(s), if any, and the situation with HR. They will consider whether a Sanction is appropriate. They should consider:
 - 5.4.1.7.1. Whether there is a violation of institutional policies.
 - 5.4.1.7.2. Whether imposing sanctions will serve one or more of the following purposes:
 - 5.4.1.7.2.1. To induce self-improvement and reform by a faculty member.
 - 5.4.1.7.2.2. To indicate to the faculty member the seriousness of his or her violation and thereby deter him or her from future violation.
 - 5.4.1.7.2.3. To reassure the college/university community that violations of policy which the faculty member has committed will not be tolerated, thereby serving to maintain respect for and commitment to the policies of other members of the institutional community.
- 5.4.1.8. In cooperation with HR, a Final Decision Letter will be created setting forth the College's decision and Sanction, if any. The Final Decision Letter may incorporate the original Notice of Intent, may modify that, or may withdraw it. HR must approve the Final Decision Letter. HR should consider whether the Sanction, if any, rises to the level of a significant adverse employment action, and if so should consult legal counsel, Risk, or State Risk Management before approving, and document that guidance has been sought and adhered to.
- 5.4.1.9. The final decision letter will be Delivered to the Faculty Member with notification of the grievance procedure. The Faculty Member may then challenge the decision, pursuant to the Faculty Grievance Policy, but the Sanction will generally be effective immediately.
- 5.4.1.10. The Final Decision letter will be added to the Faculty Member's person's file.

5.5. Level-Three Corrective Action: Some Concerns raise the issue of whether the employment relationship should be discontinued. These Concerns will invoke the Discipline process at the highest level.

5.5.1. Level-Three Corrective Action Procedures:

5.5.1.1. A Supervisor learns of a Concern that is severe. Dismissal may be considered if the Concern rises to the level of:

5.5.1.1.1. Professional continued incompetence.

5.5.1.1.2. Serious misconduct or unethical behavior.

5.5.1.1.3. Serious violation of Board or institutional rules and regulations.

5.5.1.1.4. Substantially impaired performance for medical reasons for which accommodations have not been successful.

5.5.1.1.5. Inability or unwillingness to meet institutional expectations.

5.5.1.2. The Immediate Supervisor shall contact HR to discuss the Concern. If the Concern is initiated by another person, the Immediate Supervisor is contacted and involved in the discussion with HR when possible. Generally, an investigation should be conducted to confirm that there is a valid Concern and to document it if possible. The Faculty Member who is the subject of the Concern should generally be contacted as part of the investigation. HR, in consultation with the Immediate Supervisor (and an Administration Employee if necessary), will determine who should investigate the Concern.

5.5.1.3. Upon validating the Concern, HR provides the Immediate Supervisor a template for a Notice of Intent, typically a Notice of Intent for Reduction in Rank, Reduction In Pay, Suspension Without Pay, Disciplinary Probation, Reduction in Rank, or Dismissal.

5.5.1.4. The Notice of Intent is created to address the Concern. The Notice of Intent must be approved by Human Resources before it is issued. HR must consult legal counsel or State Risk Management before approving it and document that guidance has been sought and adhered to.

- 5.5.1.5. The Faculty Member will be given Notice of the Concern by Delivery of the Notice of Intent and then be given an opportunity to Respond. After the Faculty Member has read the Notice of Intent, the opportunity should usually be a face-to-face conversation with the Immediate Supervisor or other Administration Employee. Depending on the Response, the Notice of Intent may be revised and then re-Delivered or the Notice of Intent may be withdrawn. If withdrawn, the Immediate Supervisor may issue a new Notice of Intent, impose a lesser Corrective Action, or choose to take no further action.
 - 5.5.1.6. If a Level-Three Corrective Action Notice of Intent is not withdrawn, the Faculty Member will be given an opportunity to further respond to the Notice of Intent in writing within five calendar days. The Notice of Intent may notify the Faculty Member that he or she is suspended with or without pay during the Response period.
 - 5.5.1.7. The Immediate Supervisor will discuss the Response(s), if any, and the situation with HR. In cooperation with HR, a Final Decision Letter will be created setting forth the College's decision and Sanction, if any. The Final Decision Letter may incorporate the original Notice of Intent, may modify that, or may withdraw it. HR must approve the final decision letter. HR must consult legal counsel or State Risk Management before approving it and document that guidance has been sought and adhered to.
 - 5.5.1.8. The Final Decision Letter will be Delivered to the Faculty Member with notification of the grievance procedure. The Faculty Member may then challenge the decision but the Sanction will generally be effective immediately.
 - 5.5.1.9. The Final Decision letter will be added to the Faculty Member's personnel file.
6. Progressive Discipline. When feasible, Progressive Discipline should be considered by the College. If the College does not consider Progressive Discipline feasible, the College may move to any level of discipline it feels is appropriate, for example some Concerns may be addressed by moving directly to Termination.

7. Corrective Action and Non-renewal of Tenure-Track and Professional-Track Faculty Members.
 - 7.1. Tenure-Track and Professional-Track Faculty Members may not be renewed for a position with or without cause for any lawful reason deemed adequate by the College, including but not limited to, unsuitability to job requirements, unsatisfactory performance, or unacceptable behavior. Prior Notice or lesser Corrective Actions need not be given.
8. Job Abandonment
 - 8.1. A Faculty Member who fails to show for his or her duties for five consecutive business days and fails to notify his or her department chair or dean will be terminated due to Job Abandonment.
 - 8.2. Before Termination, the Immediate Supervisor will make at least one attempt to contact the Faculty Member in person, by phone or by email.
 - 8.3. The Faculty Member will be notified of the decision in writing.
 - 8.4. The Faculty Member may use the grievance procedures, but Job Abandonment is generally not excusable.
9. Ineligible for Re-employment.
 - 9.1. In addition to any Discipline, in the event of Job Abandonment or a Faculty Member Resignation, Human Resources may designate a Faculty Member who has engaged in behavior that is considered egregious as Ineligible for Re-employment (IR). This decision to designate IR will be made in order to protect the interests of the College and community.
10. A faculty member may be dismissed for reasons other than cause as a result of:
 - 10.1. Bona fide program or unit discontinuance.
 - 10.2. Bona fide financial exigency.
11. Where in this Policy and Procedure it is directed that HR shall discuss or provide templates, documents, approvals, etc., if a Corrective Action is being considered against a Faculty Member in Human Resources, or there is another potential conflict, the Attorney for the College shall be consulted. If the Attorney determines there may be a conflict, he or she shall act as an intermediary in communication with Human Resources, taking care to consult with an employee of the Human Resources Department who is independent of the considered action. The Attorney may provide

the required templates, documents, approvals, etc., and facilitate discussion. Any HR employee consulted shall keep the matter confidential from the other persons in HR.

12. The Procedures in this policy are intended as guidelines only, and they may be modified, supplemented, or revoked as needed to facilitate fair treatment of faculty members and the needs of supervisors who are determining proper handling of all corrective action cases. In particular, this policy does not constitute a contract (nor should it be construed as a contract) guaranteeing employment for any specified duration. Except as set forth in writing in collective bargaining agreements, individual employment contracts, or other College policies, either the Faculty Member or the College may Terminate the employment relationship at any time, for any reason. No Supervisor, manager, or representative of the College has the authority to make any promises, commitments, or changes that conflict with the policies in this manual unless approved in writing by the HR director.
13. These Policies and Procedures supersede any handbook or policy statements, whether written or oral, issued prior to their effective date. Any subsequent revisions will substitute and replace prior policy or procedure statements. The College will provide as much Notice as possible of any changes in these policies. The most recent versions of all policies are available on the College website, and policy updates will be posted directly to the website.